

ALP
Cmt
wherein said temperature calculating unit includes a header assembly incorporated therewith, said header assembly including header terminals in electrical connection with a microprocessor system, said header assembly matable with said connector portion of said removable module, wherein said header assembly is fluid resistant, said header assembly preventing fluid incursion to said microprocessor system.

REMARKS

Claims 1-22 are pending in the application. Claims 1, 2, 5, 6 and 22 are amended herein. Claims 23 – 27 are added. Applicants respectfully submit that no new matter is added by the present amendment. Support for the new claims and amendments can be found throughout the instant specification and in the figures, for example at page 4 line 15 through page 5, line 11.

Drawing Objection

The Examiner objected to the FIG. 1 of the drawings as failing to comply with 37 CFR §1.84(p)(4) because reference character “160” is used to designate both the probe assembly and the probe. Applicants hereby submit a proposed replacement drawing in which the reference character “161” is used to correctly reference the probe. The replacement drawing is clearly readable and scannable. A marked up copy FIG. 1 indicating the proposed drawing change is provided in Appendix I. Accordingly Applicants respectfully request that the Examiner withdraw his objection to the drawings.

Rejections Under 35 U.S.C. §112

The Examiner rejected claims 1-4 and 7-21 under 35 U.S.C. §112, second paragraph, as being incomplete because the structural cooperative relationship between the module and the calculating unit is omitted in claims 1 and 2.

Applicants respectfully submit that claims 1 and 2 are amended herein to include a cooperative relationship between the module and the calculating unit. Accordingly, Applicants respectfully request that the Examiner’s rejections under 35 U.S.C. §112 be withdrawn.

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected Claims 1, 3, 4, 6, 7, 9, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,857,777 to Schuh. However, it is respectfully submitted that amended independent claim 1, claims 3, 4, 7, 9, 11 and 13 ultimately depending therefrom, and amended independent claim 6 clearly and patentably distinguish over the Schuh '777 patent.

Independent claims 1 and 6, as amended, require, *inter alia*, a removable module capable of storing a temperature probe and probe covers. The Schuh '777 patent in no way discloses or suggests such a structural configuration as recited in amended claims 1 and 6. Because of the above distinctions, it is respectfully submitted that amended independent claim 1 and claims 3, 4, 9, 11 and 13 ultimately depending therefrom, and amended independent claim 6 patentably distinguish and are not obvious over the Schuh '777 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

The Examiner rejected Claims 1-3, 5, 6, 11, 13, 14, 16, 19 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,858,615 to Meinema. However, it is respectfully submitted that amended independent claim 1 and claims 3, 11, 13, 14, 16, 19 and 20 ultimately depending therefrom, and amended independent claims 2, 5 and 6 clearly and patentably distinguish over the Meinema '615 patent.

Independent claims 1, 2 and 6, as amended, require, *inter alia*, a removable module capable of storing a temperature probe and probe covers. The Meinema '615 patent in no way discloses or suggests such a structural configuration as recited in amended claims 1, 2 and 6. Independent claim 5, as amended, requires, *inter alia*, the steps of storing a temperature probe and probe covers in a removable module. The Meinema '615 patent in no way discloses or suggests such steps and structural configuration as recited in amended claim 5. Because of the above distinctions, it is respectfully submitted that amended independent claim 1 and claims 3, 6, 11, 13, 14, 16, 19 and 20 ultimately depending therefrom, and amended independent claims 2, 5

and 6 patentably distinguish and are not obvious over the Meinema '615 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

The Examiner rejected Claims 1, 3, 4 and 7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,347,476 to McBean, Sr. However, it is respectfully submitted that amended independent claim 1 and claims 3, 4 and 7 depending therefrom clearly and patentably distinguish over the McBean '476 patent.

Independent claim 1, as amended, requires, *inter alia*, a removable module capable of storing a temperature probe and probe covers. The McBean '476 patent in no way discloses or suggests such a structural configuration as recited in amended claim 1. Because of the above distinctions, it is respectfully submitted that amended independent claim 1 and claims 3, 4 and 7 depending therefrom patentably distinguish and are not obvious over the McBean '476 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

Since each and every element of the claimed invention is not present in a single prior art reference disclosure, Applicants respectfully submit that the cited references do not support a prima facie case of anticipation under 35 U.S.C. 102(b). Accordingly, reconsideration and withdrawal of the rejection of claims 1-7, 9, 11, 13, 14, 16, 19 and 20 are respectfully requested.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 2, 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over McBean in view of Meinema. However, it is respectfully submitted that Meinema does not cure the deficiencies of McBean, specifically, an electronic thermometer having a removable module capable of storing a temperature probe and probe covers. Therefore, for at least these reasons, it is respectfully submitted that claims 2, 5 and 6 and all claims depending therefrom, respectively, are allowable over the prior art of record.

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over McBean in view of the prior art disclosed by the Applicant. However, it is respectfully submitted that the referenced prior art submitted by the Applicant does not cure the deficiency of McBean, specifically, an electronic thermometer having a removable module capable of storing a temperature probe and probe covers. Therefore, for at least these reasons, it is respectfully submitted that claim 8 is allowable over the prior art of record.

The Examiner rejected claims 9, 11 and 13 under 35 U.S.C. §103(a) as being unpatentable over McBean in view of Meinema, claim 10 under 35 U.S.C. §103(a) as being unpatentable over McBean in view of U.S. Patent No. 5,173,840 to Kodai et al., claim 12 under 35 U.S.C. §103(a) as being unpatentable over McBean in view of Meinema and Kodai, claims 14, 16, 17 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over McBean in view of Meinema and U.S. Patent Application Publication No. 2001/000431 to Denzene, claim 15 under 35 U.S.C. §103(a) as being unpatentable over McBean, Meinema, and Denzene in view of Kodai, and claim 18 under 35 U.S.C. §103(a) as being unpatentable over McBean, Meinema and Denzene in view of U.S. Patent No. 4,008,614 to Turner et al. and U.S. Patent No. 6,179,785 to Martinosky et al. However, it is respectfully submitted that none of the cited references cure the deficiencies of McBean, specifically, an electronic thermometer having a removable module capable of storing a temperature probe and probe covers. Therefore, for at least these reasons, it is respectfully submitted that claims 9-21 are allowable over the prior art of record.

The Examiner rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over McBean in view of Meinema, Denzene and Martinosky. However, it is respectfully submitted that Meinema does not cure the deficiencies of McBean, specifically, an electronic thermometer having a removable module capable of storing a temperature probe and probe covers. Therefore, for at least these reasons, it is respectfully submitted that claim 22, and all claims depending therefrom, are allowable over the prior art of record.

Since none of the cited references or any combination thereof teaches or suggests all elements of any of the rejected claims, as amended, Applicants respectfully request that the Examiner withdraw his rejections under 35 U.S.C. 103(a).

New Claims

Claims 23 – 27 have been added by the present amendment to more clearly describe the invention. No new matter has been added to the specification. Applicants respectfully request that each of the new claims be examined.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 therefore.

Respectfully submitted,

1/23/03
Dated:

Joseph P. Quinn
Joseph P. Quinn
Reg. No. 45,029
Customer No. 21710
Attorney for Applicants

BROWN RUDNICK BERLACK ISRAELS LLP

Box IP, 18th Floor
One Financial Center
Boston, MA 02111
Tel: 1-617-856-8396
Fax: 1-617 856-8201

#1168860 - 20518/14

APPENDIX II

1. (Amended) An electronic thermometer comprising:
a removable module having a memory and capable of storing a temperature sensitive probe and a supply of disposable probe covers, wherein said memory stores calibration information; and
a temperature calculating unit removably mating to said removable module.
2. (Amended) An electronic thermometer comprising:
a removable module having a memory and capable of storing a temperature sensitive probe and a supply of disposable probe covers, wherein said memory stores temperature probe identifying information; and
a temperature calculating unit removably mating to said removable module.
5. (Amended) A method of [identifying] preventing contamination of a removable temperature probe in an electronic thermometer comprising the steps of:
storing probe-identifying information in a memory chip;
connecting said memory chip to said temperature probe;
storing said temperature probe in a removable module;
storing a supply of clean disposable temperature probe covers in said removable module;
removably connecting said [temperature probe and memory chip] removable module to a temperature calculating unit; and
communicating said probe-identifying information from said memory chip to said temperature calculating unit.
6. (Amended) An electronic thermometer comprising:
at least one removable module including a temperature probe and means for storing a supply of clean probe covers;

at least one temperature calculating unit capable of mating to said at least one removable module;

means for storing probe identifying information within said at least one removable module; and

means for communicating said probe identifying information between said means for storing and said temperature calculating unit.

22. (Amended) An electronic thermometer comprising:

a temperature calculating unit; and

a removable module[;] including storage for a supply of clean probe covers and [wherein said removable module includes] a probe assembly incorporated therewith, said probe assembly comprising a temperature probe, a cable having a first end connected to said temperature probe and a second end connected to a connector portion; wherein said connector portion includes fluid resistant mating terminals providing electrical connections to said probe and, a memory wherein said memory is incorporated within said probe assembly;

wherein said memory stores temperature probe identifying data and temperature probe calibration data, said temperature probe identifying data including a unique identification number associated with said temperature probe;

wherein said temperature probe includes at least one thermistor electrically connected with said mating terminals and wherein said temperature probe calibration information includes resistance values of each of said at least one thermistor, said resistance values corresponding to at least two different reference temperatures; and

wherein said temperature calculating unit includes a header assembly incorporated therewith, said header assembly including header terminals in electrical connection with a microprocessor system, said header assembly matable with said connector portion of said removable module, wherein said header assembly is fluid resistant, said header assembly preventing fluid incursion to said microprocessor system.